

PLANNING COMMISSION MINUTES

September 11, 2002

CALL TO ORDER: Chairman Vlad Voytilla called the meeting to order at 7:02 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

ROLL CALL: Present were Chairman Vlad Voytilla, Planning Commissioners Bob Barnard, Eric Johansen, Shannon Pogue and Scott Winter. Planning Commissioners Gary Bliss and Dan Moks were excused.

Development Services Manager Steven Sparks, Senior Planner Kevin Snyder, Associate Planner Sambo Kirkman, Senior Transportation Planner Don Gustafson, Project Consultant Beverly Bookin, Assistant City Attorney Ted Naemura and Recording Secretary Sandra Pearson represented staff.

The meeting was called to order by Chairman Voytilla, who presented the format for the meeting.

VISITORS:

Chairman Voytilla asked if there were any visitors in the audience wishing to address the Commission on any non-agenda issue or item. There were none.

STAFF COMMUNICATION:

Staff indicated that there were no communications at this time.

NEW BUSINESS:

PUBLIC HEARINGS:

Chairman Voytilla opened the Public Hearing and read the format for Public Hearings. There were no disqualifications of the Planning Commission members. No one in the audience challenged the right of any

Commissioner to hear any of the agenda items, to participate in the hearing or requested that the hearing be postponed to a later date. He asked if there were any ex parte contact, conflict of interest or disqualifications in any of the hearings on the agenda. There was no response.

A. RZ 2002-0019 - DOWNTOWN REGIONAL CENTER “R-1” TO “RC-E” ZONE CHANGE MODIFICATION

The area bounded by SW Center Street, SW 117th Avenue, Mc Bride Place, Cabot Street and Highway 217 was the subject of a rezone (RZ2002-0007), which was approved by the City on June 4, 2002. After the approval, an error was discovered. The error was a transposing of tax lot identification numbers. As a result of this error, the parcel identified as 1S1-10DC01101 did not receive the RC-E zoning designation and still retains the R-1 zoning designation. The following land use application has been submitted to correct the typographical error discovered in the previously approved zone change application, to correctly rezone the property generally located west of Highway 217 and east of Mc Bride Place. The property takes access off Mc Bride Place.

The zone change proposal affects one property approximately 0.54 acres in size, on Washington County Assessor’s Map 1S1-10DC, on Tax Lot 1101. This property is now zoned “R-1”, which is intended for Urban High Density Residential, at a maximum density of one dwelling unit for every 1,000 square feet of land area and also allows a limited number of other uses identified in Section 20.05.40 of the City’s Development Code. This application proposes to change this parcel to Regional Center – East “RC-E” a multiple use zone that allows some commercial and residential uses. Section 20.20.05.15 of the Development Code lists the uses permitted, conditional, and prohibited within this zone.

On behalf of Associate Planner Liz Shotwell, Associate Planner Sambo Kirkman presented the Staff Report and briefly explained the typographical error that had occurred on a rezone that had been approved on June 4, 2002. Concluding, she pointed out that Tax Lot 1101 of (Map 1S1-10DC had been identified incorrectly, necessitating this action, recommended approval, and offered to respond to questions.

PUBLIC TESTIMONY:

No member of the public testified with regard to this application.

The public portion of the Public Hearing was closed.

1 All members of the Planning Commission expressed their support of
2 this application as meeting applicable approval criteria.

3
4 Commissioner Barnard **MOVED** and Commissioner Johansen
5 **SECONDED** a motion to approve RZ 2002-0019 – Downtown Regional
6 Center “R-1” to “RC-E” Zone Change Modification, based upon the
7 testimony, reports and exhibits, and new evidence presented during
8 the Public Hearing on the matter, and upon the background facts,
9 findings and conclusions found in the Staff Report dated September 4,
10 2002.

11
12 Motion **CARRIED**, by the following vote:

13
14 **AYES:** Barnard, Johansen, Pogue, Voytilla and Winter.

15 **NAYS:** None.

16 **ABSTAIN:** None.

17 **ABSENT:** Bliss and Maks.

18
19 **B. CUP 2002-0007 -- FRED MEYER FUEL STOP GAS STATION 24-**
20 **HOOR OPERATION CONDITIONAL USE PERMIT**

21 The following land use application has been submitted for development
22 of a Fred Meyer Gas Station. The development site is generally located
23 north of SW Walker Road, west of SW 158th Avenue. The site can be
24 specifically identified as Tax Lot 1100 on Washington County
25 Assessor’s Map 1S1-05BA. The site is zoned Community Service (CS)
26 and is approximately 16 acres in size. Within the Community Service
27 zone, minor automotive services operating between the hours of 7 a.m.
28 to 10 p.m. is a use permitted outright.

29
30 The applicant is requesting approval to operate a Fred Meyer Fuel
31 Stop Gas Station 24-hours a day. The Development Code Section
32 20.10.05.2.B.3 requires developments proposing to operate between the
33 hours of 10:00 p.m. and 7 a.m., within the Community Service zoning
34 district, to obtain a Conditional Use Permit. A decision for action on
35 the proposed development shall be based upon the approval criteria
36 listed in Section 40.05.15.2.C of the Beaverton Development Code.

37
38 Commissioner Barnard disclosed that although he is employed by
39 Safeway Stores, this would not affect his decision on this issue.

40
41 All members of the Planning Commission indicated that they had
42 either visited or are familiar with the site and had no contact with
43 anyone with regard to this application.
44

1 Ms. Kirkman presented the Staff Report and briefly explained the
2 proposal, clarifying that while the fuel facility is a permitted use
3 within this Community Service district, the extended hours proposed
4 by the applicant require conditional use approval. She pointed out
5 that although the applicant had indicated at the Neighborhood
6 Meeting that the hours of operation would be from 7:00 a.m. until
7 11:00 p.m., they had requested a Conditional Use Permit (CUP) for a
8 24-hour operation following this Neighborhood Meeting and the City's
9 notice identified in this request. She suggested that it might be
10 advisable to make certain that the public recognizes when testifying
11 during this hearing that this application involves a 24-hour operation.
12

13 Chairman Voytilla questioned whether staff feels that this 24-hour
14 operation represents a substantial change in the application, which
15 could require an additional Neighborhood Meeting.
16

17 Ms. Kirkman clarified that staff has determined that the noticing and
18 review have fulfilled all legal requirements, adding that an additional
19 Neighborhood Meeting would not be necessary. Concluding, she
20 recommended approval, with certain Conditions of Approval, and
21 offered to respond to questions.
22

23 Referring to page 7 of the Staff Report, specifically the second to the
24 last line, Commissioner Johansen suggested the following revision:
25 "...received approval for extended hours of operation from 6 am to 1 ~~pm~~
26 am."
27

28 Referring to page 10 of the Staff Report, Commissioner Johansen
29 requested clarification of the intent of the statement indicating that
30 special considerations are not needed for issues such as size of the area
31 required, the nature of traffic problems, the effect of uses on adjoining
32 land uses.
33

34 Ms. Kirkman responded that this basically infers that the findings
35 specified further into the paragraph indicate that during staff's review
36 it was determined that no special considerations were necessary with
37 regard to this proposal.
38

39 Referring to the issue on notification and posting, Commissioner
40 Johansen requested clarification that the notification that had been
41 mailed out did include information with regard to the proposed 24-
42 hour operation.
43

1 Ms. Kirkman assured Commissioner Johansen that the notification
2 that had been mailed out did include information with regard to the
3 proposed 24-hour operation, and explained that the posting on the site
4 identified all three applications, including the CUP, but did not
5 specifically reference the proposed 24-hour operation.

6
7 Referring to page 9 of the Staff Report, Commissioner Winter
8 expressed concern with the proposed removal of 82 parking spaces,
9 observing that in the Traffic Analysis, as exhibited within the Staff
10 Report, it is indicated that 71 parking spaces and 55 parking spaces
11 would be removed.

12
13 Ms. Kirkman advised Commissioner Winter that while staff reviewed
14 several modifications to the site, the correct number of parking spaces
15 proposed for removal is 82, with the current site plan being reviewed
16 by the Planning Commission.

17
18 Chairman Voytilla requested clarification with regard to the parking
19 spaces, expressing his concern with considering the parking needs of
20 the entire retail operation.

21
22 Ms. Kirkman informed Chairman Voytilla that the parking analysis
23 had been prepared specifically for the parcel owned by *Fred Meyer*
24 *Stores*, adding that the other facilities, such as *U.S. Bank*, *Les Schwab*
25 *Tires* and *Skipper's Restaurant* are actually separate parcels associated
26 with their own parking.

27
28 Chairman Voytilla observed that the site plan appears to indicate that
29 the parking actually straddles property lines, and requested
30 clarification of who actually has control of the parking spaces provided
31 for *U.S. Bank*.

32
33 Ms. Kirkman stated that she believes that these particular parking
34 spaces are not actually included in the parking count for the *Fred*
35 *Meyer* facility, adding that the 729 parking spaces that remain do not
36 include those parking spaces that are straddling property lines.

37
38 Chairman Voytilla expressed his opinion that the parking situation in
39 this area is hectic, adding that the area is very congested and that it is
40 difficult to locate a parking space, and questioned whether staff is
41 comfortable with the elimination of this number of parking spaces.

42
43 Emphasizing that staff is still evaluating this situation, Ms. Kirkman
44 expressed her opinion that this should be addressed at the Board of

1 Design Review level, adding that the CUP application is reviewing a
2 specific issue, the extended hours of operation.

3
4 Referring to page 12 of the Staff Report, specifically the goal for
5 improvement to the appearance of commercial areas, Chairman
6 Voytilla requested clarification of the statement indicating that a
7 portion of the parking area is scarcely used a majority of the time.

8
9 Ms. Kirkman informed Chairman Voytilla that a review by staff had
10 determined that certain portions of the parking area is not utilized as
11 heavily as other portions of the parking area.

12
13 Chairman Voytilla expressed concern with the goal of providing
14 pedestrian access.

15
16 Ms. Kirkman indicated that the applicant has proposed providing a
17 sidewalk in order to enhance pedestrian access, adding that this
18 includes the improvement of pedestrian circulation in the shopping
19 center through the addition of a walkway from SW 158th Avenue to the
20 southeast entrance of the facility, as well as a break in the driveway,
21 which would divert the fuel facility traffic away from the retail center
22 towards the fuel center.

23
24 Commissioner Barnard pointed out that the Planning Commission is
25 attempting to review a Traffic Study without the expertise of
26 Commissioner Maks, and questioned whether all of the issues with
27 regard to Washington County have been satisfactorily addressed.

28
29 Ms. Kirkman noted that the applicant is currently working with
30 Washington County in an effort to fulfill the requirements with regard
31 to their access permits, emphasizing that this must be completed
32 before any operations are initiated.

33
34 Commissioner Barnard referred to page 14 of the Traffic Study,
35 observing that Intersection "E" operates on a Level of Service "F", and
36 questioned whether any action is being contemplated to improve the
37 function of this intersection.

38
39 Senior Transportation Planner Don Gustafson indicated that while the
40 applicant could respond to this more appropriately, staff had reviewed
41 the Traffic Analysis and determined that in relationship to the
42 proposed increased hours of operation, there would be no significant
43 impact with regard to this proposal. He emphasized that this use is

1 presently allowed within this zoning district, adding that the proposed
2 CUP merely extends the hours of operation.

3
4 Ms. Kirkman pointed out that review of this application strictly
5 involves the impacts associated with those specific hours of operation
6 prior to 7:00 a.m. and beyond 10:00 p.m. for the fueling facility.

7
8 Mr. Gustafson explained that there is the possibility of some mediation
9 with Washington County involving a left turn movement that is
10 causing the Level of Service "F" at the intersection.

11
12 Commissioner Barnard referred to the Peak Hour Factor (PHF) of
13 0.99, and questioned how this element factors into a vehicle count (VC)
14 for the SW Walker Road south access.

15
16 Mr. Gustafson indicated that he would prefer that the applicant's
17 consultant address this issue, adding that there are several different
18 methods for such an analysis.

19
20 **APPLICANT:**

21
22 **CHRIS FERKO**, representing *Barghausen Consulting Engineers*, on
23 behalf of *Fred Meyer Stores, Inc.*, introduced himself, Jim Coombs,
24 representing *Fred Meyer Stores, Inc.*, and Brian Freeman, representing
25 *Group Mackenzie*, observing that the applicant basically concurs that
26 all pertinent issues have been within the Staff Report. He explained
27 that the applicant is basically requesting approval providing them with
28 the flexibility to modify the hours of operation of their fuel facility in
29 order to best serve their customers. Observing that all of the
30 applicant's fuel facilities within the State of Oregon are open to match
31 their store hours of 7:00 a.m. until 11:00 p.m., he pointed out that this
32 is also the intent with this application. He explained that the
33 Development Code would only allow this facility to be open until the
34 hour of 10:00 p.m. without a CUP, adding that the applicant is
35 requesting the 24-hour operation to allow for this flexibility to serve
36 their customers in the future. Emphasizing that the applicant does not
37 believe that this facility would create any negative impacts on the
38 surrounding neighborhood, he noted that this issue has been
39 thoroughly addressed within the Staff Report. Concluding, he offered
40 to respond to questions, adding that both Mr. Coombs and Mr.
41 Freeman are also available for questions.

42
43 Commissioner Pogue requested clarification of how long the storage
44 containers have been on the site.

1 Emphasizing that these temporary storage containers are involved in a
2 remodel process, Mr. Ferko deferred this question to Mr. Coombs.

3
4 **JIM COOMBS**, representing *Fred Meyer Stores, Inc.*, stated that these
5 storage containers have been on the site for several weeks, adding that
6 while he is not involved in the remodel project, he is certain that they
7 are scheduled for removal once the project is completed.

8
9 Commissioner Pogue questioned whether the applicant has received
10 any complaints from store patrons with regard to the placement of
11 these storage containers.

12
13 Observing that he is unaware of any such complaints, Mr. Coombs
14 advised Commissioner Pogue that the store director has not mentioned
15 any issues regarding complaints. Referring to Mr. Ferko's comment
16 with regard to the fueling operations of 7:00 a.m. until 11:00 p.m., he
17 clarified that two of these sites actually open at earlier times, 5:00 a.m.
18 and 6:00 a.m., and that one of these facilities remains open until 12:00
19 midnight. He emphasized that although this facility might actually
20 open prior to 7:00 a.m. and remain open past 11:00 p.m., there are
21 currently no plans to operate on a 24-hour basis.

22
23 Chairman Voytilla mentioned easement concerns with the property
24 directly adjacent to *U.S. Bank*.

25
26 Mr. Ferko stated that this easement is a representation of a reciprocal
27 access agreement with *U.S. Bank*.

28
29 Mr. Coombs pointed out that he has had direct contact with the Real
30 Estate Manager of *U. S. Bank*, adding that they are aware of what is
31 occurring and have indicated that this action in no way infringes on
32 their rights to their property,

33
34 Commissioner Barnard requested clarification with regard to the
35 calculation of how the peak hour affects the vehicle count at the site.

36
37 **BRIAN FREEMAN**, representing *Group Mackenzie*, clarified that the
38 peak hour factor is actually only based upon the peak 15 minutes
39 during the peak hour, adding that this figure is analyzed to determine
40 whether there is a capacity for that peak period.

41
42 Commissioner Barnard questioned the situation with regard to the
43 access identified as "E" which is operating at a Level of Service "F".
44

1 Mr. Freeman indicated that the applicant has addressed this issue
2 with Washington County, adding that he had prepared and submitted
3 a response to Washington County today. Observing that this
4 document has not been included with this application, he pointed out
5 that it would be submitted along with the design review portion of the
6 proposal. He explained that while Washington County has proposed
7 another option, diverting vehicles from this intersection would only
8 create a different issue.

9

10 **PUBLIC TESTIMONY:**

11

12 No member of the public testified with regard to this proposal.

13

14 Staff had no further comments with regard to this application.

15

16 The public portion of the Public Hearing was closed.

17

18 Commissioner Pogue expressed his support of the application, adding
19 that he does have some concerns with regard to parking issues.

20

21 Chairman Voytilla observed that he is also concerned with parking
22 issues, particularly during the holiday season, expressing his opinion
23 that although he feels that the site should be more pedestrian-
24 oriented, he would support a motion for approval.

25

26 Expressing his support of the concept of the application, Commissioner
27 Johansen pointed out that because the concept of a 24-hour operation
28 had not been presented to the neighbors at the original Neighborhood
29 Meeting, he is unable to support this application until the appropriate
30 neighborhood process has been fulfilled and the neighborhood has had
31 the opportunity to comment with regard to this issue.

32

33 Commissioner Barnard pointed out that although he agrees with the
34 concerns expressed by Commissioner Johansen, the hours of operation
35 are already there in conjunction with the store hours, adding that he
36 would prefer to accept the situation and move forward. Observing that
37 while he has some concerns with regard to parking issues, he feels that
38 the applicant would not take any action to remove parking to the
39 extent that it would be detrimental to their business, adding that he
40 would support a motion for approval of this proposal.

41

42 Commissioner Winter agreed with the comments of his fellow
43 Commissioners, adding that while it might be difficult to appease some
44 of the neighbors, he is in support of the application.

1 On question, Assistant City Attorney Ted Naemura indicated that he
2 shares the views expressed by staff with regard to the neighborhood
3 notification concerning the proposed 24-hour operation.
4

5 Commissioner Johansen advised Chairman Voytilla that the opinion
6 expressed by Mr. Naemura does not sway his decision, adding that
7 although legal requirements have most likely been addressed, he does
8 not feel that this action has kept the faith with the established
9 neighborhood meeting process.
10

11 Commissioner Pogue **MOVED** to approve CUP 2002-0007 – Fred
12 Meyer Fuel Stop Gas Station 24-Hour Operation Conditional Use
13 Permit, based upon the testimony, reports and exhibits, and new
14 evidence presented during the Public Hearing on the matter, and upon
15 the background facts, findings and conclusions found in the Staff
16 Report dated September 4, 2002, including Conditions of Approval Nos.
17 1 through 4.
18

19 Commissioner Johansen mentioned that a modification has been made
20 to the Staff Report.
21

22 Commissioner Pogue amended his motion to approve CUP 2002-0007 –
23 Fred Meyer Fuel Stop Gas Station 24-Hour Operation Conditional Use
24 Permit, revising the second to last line of page 7 of the Staff Report, as
25 follows: “...received approval for extended hours of operation from 6
26 am to 1 ~~pm~~ am.”
27

28 Commissioner Barnard **SECONDED** the motion, as amended.
29

30 Motion **CARRIED**, by the following vote:
31

32 **AYES:** Barnard, Pogue, Voytilla and Winter.

33 **NAYS:** Johansen.

34 **ABSTAIN:** None.

35 **ABSENT:** Bliss and Maks.
36

37 7:48 p.m. – Ms. Kirkman and Mr. Gustafson left.
38

39 Senior Planner Kevin Snyder requested a recess in order to allow staff
40 an opportunity to set up equipment for the next hearing.
41

42 7:48 p.m. – 7:58 p.m. – recess.
43

1 **C. TA2002-0001 – CHAPTER 60 (Special Requirements), CHAPTER**
2 **20 (Land Uses),**
3 **CHAPTER 40 (Permits and Applications), AND CHAPTER 90**
4 **(Definitions) TEXT AMENDMENTS**

5 This is a request for Planning Commission approval of a City-initiated
6 series of amendments to sections of the Development Code for the
7 implementation of regulations and standards for wireless communica-
8 tions facilities. Wireless communication facilities include, but are not
9 limited to, cellular phone towers, antenna panels and arrays, and
10 satellite dishes. The amendments to Chapter 60 will create a new sec-
11 tion, and will modify the special use regulations for height exemptions.
12 The new section in Chapter 60 will establish applicability standards,
13 exemptions, development standards including but not limited to
14 standards for height, setbacks, and design, special study requirements,
15 temporary use standards, collocation standards and standards for
16 abandoned facilities. Text amendments to Chapter 20 (Land Uses),
17 Chapter 40 (Applications), and Chapter 90 (Definitions) are also
18 proposed to support the implementation of the proposed regulations
19 and standards for wireless communications facilities. Amendments to
20 Chapter 20 (Land Uses) are necessary to address the permitted,
21 conditional and prohibited use status of wireless communication
22 facilities in established zoning districts. Amendments to Chapter 40
23 (Applications) are necessary to identify the applicable permit
24 applications for the different types of wireless communication facilities
25 specified in the new section of Chapter 60. Amendments to Chapter 90
26 (Definition) are necessary to define key terms specific to wireless
27 communication facilities identified in the new section of Chapter 60.

28
29 Senior Planner Kevin Snyder introduced Project Consultant Beverly
30 Bookin, representing *The Bookin Group*, and Development Services
31 Manager Steven Sparks, and explained that staff would make their
32 presentation, followed by public testimony from audience members
33 wishing to testify with regard to this issue. He discussed several
34 documents that had been distributed in addition to the Staff Report,
35 observing that copies are also available for review by the public. He
36 pointed out that the code references within the proposed text are based
37 upon the Code Development Update that has been recently approved
38 by both the Planning Commission and the City Council, adding that
39 this update would be effective on September 19, 2002. He explained
40 that staff is attempting at this time to address a new reality in the
41 Development Code, noting that the existing code provides an
42 administrative CUP opportunity to exceed height restrictions within
43 zoning district. Observing that the new code does not provide this
44 opportunity, he noted that it does provide is an adjustment or variance

1 process to exceed the height standard. He mentioned that staff has
2 worked with both Washington County and the City of Tigard to
3 produce a locational map for cellular towers in order to provide for
4 some minimum separation requirements for these wireless facilities.
5

6 Mr. Snyder summarized the proposed text amendments with regard to
7 wireless facilities, observing that this would affect Chapter 20 (Land
8 Uses), Chapter 40 (Applications), Section 60.50.10 (Height
9 Regulations), and Chapter 90 (Definitions), adding that staff is
10 proposing the creation of Section 60.70 (Special Use Regulations),
11 which specifically addresses wireless communications.
12

13 Mr. Snyder referred to a handout providing some basic definitions with
14 regard to wireless communications and described these terms,
15 including antenna, satellite earth station, stealth design, wireless
16 communication facility, and wireless communication facility towers.
17

18 **BEVERLY BOOKIN**, representing *The Bookin Group*, pointed out
19 that the revolution with regard to this type of technology had occurred
20 in 1982 when the FCC had issued two licenses for cellular providers in
21 each market. Observing that the FCC had opened additional bands in
22 the early 1990s, she explained that these providers are referred to as
23 the Personal Communications Services (PCS), which licensed four to
24 six additional providers in each of the major markets in the United
25 States. She mentioned that the early 1990s produced a number of new
26 providers who were required by their licenses to create complete self-
27 contained systems in a relatively short period of time. She pointed out
28 that although some opportunity exists for collocation among the
29 different providers, often it is not possible, resulting in a serious
30 proliferation of these facilities. Observing that the number of
31 customers has increased significantly and the demand has gone up,
32 she noted that the sophistication of these services in terms of their
33 ability to handle both voice and data has increased as well. She
34 explained that the 1976 Telecommunications Act includes two major
35 sections, one of which addresses telecommunications, while the other
36 section also deals with satellite earth stations. Noting that many local
37 jurisdictions do not regulate these satellite facilities, she pointed out
38 that it had been determined that because they are mentioned in the
39 Telecommunications Act, the City of Beaverton would attempt to do so.
40

41 Ms. Bookin observed that prior to 1996, there were very limited regula-
42 tions with regard to cellular towers in the City of Beaverton, adding
43 that in the absence of any clear and objective development standards it
44 had been necessary to rely heavily upon staff interpretations. In the

1 wake of numerous applications, Elaine Wilkerson, who was the
2 Planning Director in 1996, had presented an interpretation in an
3 attempt to address the regulation of cellular towers. Pointing out that
4 this had not been codified into the Development Code, she explained
5 that this interpretation provided a relatively limited scope, adding that
6 since that time, staff has become quite sophisticated and essentially
7 established an administrative body of regulations for these facilities.
8 She emphasized the importance of codifying any regulations of land
9 uses, noting that in addition to making certain that all applicants are
10 treated equally and fairly, it is necessary for all of the potential
11 stakeholders to be familiar with the rules.

12
13 Referring to the Work Session that occurred in March 2002, Ms.
14 Bookin mentioned that she had provided a presentation with regard to
15 the history and technology with regard to cellular towers, adding that
16 several sample ordinances focusing on the State of Oregon and SW
17 Washington had been provided.

18
19 Mr. Snyder discussed the draft ordinance with regard to cellular and
20 satellite facilities for telecommunications purposes, observing that this
21 had been prepared based upon the authority and intent of the current
22 Development Code. He emphasized that staff is attempting to
23 establish a set of clear and objective standards, adding that process of
24 developing these standards had included several iterations of the
25 proposed text amendments, as well as a review of other affected
26 chapters (Chapters 20, 40, 60 and 90). Observing that these proposed
27 text amendments had been subject to Ballot Measure 56 notification,
28 he explained that all property owners based upon Washington County
29 tax assessment records had been notified with regard to both the
30 proposal and the hearing, adding that this included approximately
31 21,000 property owners. He pointed out that those individuals and
32 entities that had submitted applications with regard to wireless or
33 satellite facilities in the past three years had also received this
34 notification, as well as any legal firms that might be interested and all
35 major cellular providers. He referred to several documents that had
36 been distributed this evening in addition to the Staff Report, adding
37 that in response to the citywide notification, staff had received 37
38 telephone calls and 12 e-mails. Observing that some of these
39 individuals had expressed concern with the possibility that they might
40 not be permitted to install a satellite dish on their property, he
41 emphasized that as long as the exemption requirement of 39-inches or
42 less is met, these satellite dishes would be allowed.

1 Emphasizing that this is by no means an exhaustive list and that he
2 anticipates other policy issues would be brought up, Mr. Snyder
3 discussed the policy issues outlined on page 2 of the Staff Report, as
4 follows:

- 5
6 1. *Proposed prohibition on “top hat” antenna arrays.*
- 7
8 2. *Proposed maximum height standards – 60 feet in residential*
9 *zoning districts, 80 feet in commercial and multiple use zoning*
10 *districts, and 100 feet in industrial zoning districts.*
- 11
12 3. *Proposed requirement for placing towers in or within 50 feet of*
13 *an existing grove of trees.*
- 14
15 4. *Proposed requirements for use of stealth design methods to*
16 *minimize visual impacts.*
- 17
18 5. *Proposed requirements for a to be specified minimum separation*
19 *distance between towers for wireless communications facilities.*
- 20
21 6. *Proposed supplemental development standards for wireless*
22 *communications facilities proposed in multiple use zoning*
23 *districts.*
- 24
25 7. *Applicability of proposed regulations and standards of Section*
26 *60.70 to satellite earth stations used for television broadcast*
27 *purposes (local television or cable television).*
- 28
29 8. *Appropriate interpretation of proposed Section 60.70.25.C*
30 *(permanent alterations to non-conforming uses or structures for*
31 *wireless communications facilities).*
- 32
33 9. *Proposed conditional use authorization in industrial zoning*
34 *districts for satellite earth stations having antennas greater than*
35 *five meters in diameter, and for the attachment not utilizing*
36 *stealth design of wireless communications facilities to structures.*

37
38 Mr. Snyder summarized staff's recommendation with regard to this
39 proposal, as follows:

- 40
- 41 • Open the public hearing.
- 42 • Receive all public testimony.
- 43 • Deliberate on the identified policy issues and other issues
44 identified by the Commission or the public.

- 1 • Provide direction to staff on the identified policy issues and any
- 2 other issues.
- 3 • Continue the hearing to October 9, 2002, to allow for additional
- 4 public testimony and Commission consideration and decision-
- 5 making.

6

7 Concluding, Mr. Snyder offered to respond to questions.

8

9 Commissioner Barnard requested clarification of the number of

10 telecommunications carriers that are currently authorized to operate

11 in the City of Beaverton.

12

13 Mr. Snyder advised Commissioner Barnard that a map has been pre-

14 pared illustrating the authorized locations for cellular towers, observ-

15 ing that since 1994, the City of Beaverton has authorized 24 applica-

16 tions for wireless communications facilities related to telecommunica-

17 tion. Pointing out that these applications include both new cellular

18 structures as well as collocation opportunities, he clarified that the

19 authorized carriers include *Qwest*, *Verizon*, *Voice Stream (T-Mobile)*,

20 and *Sprint*, as well as some previous carriers that have since merged

21 or changed their names, such as *Air Touch*, and several independent

22 facilities that were created in the early 1990s. He noted that although

23 this map does not identify the providers in areas located outside of the

24 City of Beaverton, such as Washington County or the City of Tigard, a

25 fairly good representation of industry service providers is provided.

26

27 Commissioner Barnard questioned how many of these existing

28 facilities actually collocate.

29

30 Mr. Snyder informed Commissioner Barnard that at the present time,

31 collocation is provided on three of these facilities.

32

33 Ms. Bookin pointed out that there is also collocation on at least three of

34 the BPA towers.

35

36 Development Services Manager Steven Sparks mentioned that there is

37 a collocation on a BPA line on SW Hart Road, noting that this facility

38 is approximately 100 feet in height. He pointed out that while staff

39 has discussed collocation opportunities with regard to existing towers

40 with several providers, no applications have been submitted at this

41 time.

42

43 Commissioner Barnard noted that it is technologically impossible for

44 any two providers to share the same antenna.

1 Ms. Bookin explained that two providers are also unable to share the
2 same band or signal.

3
4 Commissioner Barnard observed that a growing number of individuals
5 are eliminating what he referred to as landline telephones and
6 switching to cellular service. He expressed his opinion that limiting
7 height is effectively increasing the number of towers that are necessary
8 to provide this service, emphasizing that this is a rapidly expanding
9 industry that needs to be accommodated. He pointed out that it is
10 necessary to obtain appropriate information with which to make an
11 informed decision with regard to what is a reasonable standard, adding
12 that as the poles increase in height, the bases get larger.

13
14 Ms. Bookin noted that only so many options exist with regard to
15 stealth design, emphasizing that this results in a somewhat limited
16 application.

17
18 Commissioner Barnard explained that television broadcast stations
19 utilize disc or antenna arrays, which are generally small in size and
20 usually shrubbed and in close proximity to a building.

21
22 Commissioner Pogue expressed his appreciation of a well-prepared,
23 well-organized and well-articulated Staff Report, and requested
24 clarification of how satellite earth stations are regulated at this time.

25
26 Mr. Snyder explained that the satellite earth stations are currently
27 regulated much like the cellular towers are regulated, adding that
28 there is a limited set of standards. He pointed out that they are
29 generally addressed through a Type 1 Design Review process, noting
30 that appropriate Conditions of Approval are generally applied.

31
32 Ms. Bookin noted that this involves what she referred to as a “slippery
33 slope issue”, adding that if it is articulated within the Development
34 Code that satellite earth stations on individual homes are exempt, it is
35 necessary to determine how to address those that do not meet this
36 criteria.

37
38 Emphasizing that staff is attempting to be consistent with Federal
39 standards, Mr. Snyder noted that those exempted levels are identified
40 through the FCC.

41
42 Chairman Voytilla noted that some concern has been expressed with
43 regard to a facility that is no longer operating.
44

1 Mr. Snyder explained that the proposal provides that any facility that
2 is not operable for a continuous period of six months is considered
3 abandoned, subject to Code Enforcement procedures, and must be
4 disbanded by either the service provider or the property owner. He
5 pointed out that one of several carriers collating on the same pole
6 discontinuing utilization of the pole would not be considered
7 abandonment, emphasizing that the remaining carrier would be
8 permitted to continue operating on the site.
9

10 Observing that these facilities involve valuable equipment that could
11 be potentially reused elsewhere, Ms. Bookin emphasized that it is
12 unlikely that any provider would actually abandon such an asset. On
13 question, she advised Chairman Voytilla that although the City of
14 Vancouver had at one time required a Performance Bond to address
15 this issue, there had been a great deal of opposition from providers
16 who had objected to tying their funds up in this manner.
17

18 Expressing his appreciation of both the Staff Report and the Executive
19 Summary, Mr. Naemura referred to Section 60.70.20.G of page 77 of 93
20 of the proposed text, which addresses exemption of the home-based
21 earth satellite systems, requesting clarification of whether direct-to-
22 home satellite service and satellite earth stations represents two
23 separate exemptions or two different features of the same exemption.
24

25 Mr. Snyder clarified that this section indicates that direct-to-home
26 satellite service and satellite earth stations represents two separate
27 exemptions, adding that the FCC actually specifies this delineation.
28

29 Referring to Section 60.70.25.C of page 77 of 93 of the proposed text
30 with regard to non-conforming uses, specifically permanent alteration,
31 Mr. Naemura questioned whether any of the six listed features could
32 be considered part of the loss of this status.
33

34 Mr. Snyder advised Mr. Naemura that while any of the six listed
35 features could be considered part of the loss of this status, staff
36 anticipates that this has been identified as a policy issue for the
37 consideration of the Planning Commission.
38

39 Mr. Naemura referred to page 79 of 93 of the proposed text, specifically
40 Section 60.70.35.5 with regard to the fencing, and questioned whether
41 staff anticipates any potential scenarios in which low fencing or
42 alternate types of materials might be beneficial and feasible.
43

1 Ms. Bookin stated that the height of the fence is generally considered a
2 security issue, adding that while there is a limited opportunity to
3 control the visual appearance of a tower at the top, there is more
4 control over the aesthetics at the base of the tower.
5

6 Mr. Snyder noted that questions have been raised with regard to a
7 potential allowance for barbed wire on the top of fencing, emphasizing
8 that the providers had requested this consideration for security
9 purposes.
10

11 Mr. Naemura referred to page 76 of 93 of the proposed text, specifically
12 Section 60.70.20.C, pointing out that there are Federal regulations
13 with regard to providing accommodation for amateur usage. He
14 suggested the possibility of imposing the least restrictive regulation,
15 adding that he would anticipate that this would be addressed on a
16 case-by-case approach.
17

18 Mr. Snyder explained that the intent is to provide the exemption
19 opportunity, adding that the pending legislation could potentially fur-
20 ther curtail the ability of local jurisdictions to regulate amateur ham
21 facilities. He pointed out that staff could work with the City Attorney
22 with regard to potential language options to address this issue.
23

24 Mr. Naemura referred to page 81 of 93 of the proposed text, Section
25 60.70.35.11, with regard to Stealth Design, specifically the issue of
26 complete camouflaging, observing that Commissioner Maks, in his
27 written comments submitted as part of the record, had questioned
28 whether this requirement is necessary.
29

30 Ms. Bookin emphasized that "complete" is a difficult standard to
31 address, noting that some of the antenna is visible on even some of the
32 finest examples. She pointed out that any standard that is technically
33 impossible to achieve would not provide an incentive for compliance.
34

35 Referring to page 80 of 93 of the proposed text, Section 60.70.35.8, with
36 regard to sheltering with trees, Mr. Naemura questioned whether trees
37 on adjoining properties could be considered towards the fulfillment of
38 this requirement.
39

40 Mr. Snyder advised Mr. Naemura that only those trees on the subject
41 site would be considered towards the fulfillment of the requirement of
42 sheltering with trees.
43

1 Mr. Naemura referred to page 82 of 93 of the proposed text, Section
2 60.70.35.14, with regard to the requirement of one readily accessible
3 parking space for maintenance purposes, and questioned whether this
4 should also address pavement within this area.

5
6 Emphasizing that this would most likely be addressed through the
7 design review process, Mr. Snyder noted that in some instances,
8 environmental issues might determine that it would be appropriate to
9 install gravel over the pavement. He cautioned that it might be more
10 appropriate to provide for design review flexibility, rather than
11 introducing specific requirements into the Development Code.

12
13 Mr. Sparks stated that Mr. Snyder's assumption that this would be
14 addressed through the design review process is correct, adding that
15 there is a code requirement with regard to parking spaces and
16 impervious surfaces. He pointed out that while this surface does not
17 necessarily need to involve pavement, it must be some type of durable
18 surface that would withstand use by a vehicle without creating a mud
19 hole type of scenario.

20
21 Ms. Bookin emphasized that these facilities are virtually unmanned,
22 adding that maintenance and operation requires very few vehicular
23 trips.

24
25 Mr. Snyder pointed out that the Development Code recognizes the
26 nature of the facility with regard to a limited need for parking by
27 providing the opportunity for a waiver.

28
29 Mr. Naemura referred to page 87 of 93 of the proposed text, observing
30 that this section with regard to a collocation policy is very helpful.

31
32 Ms. Bookin advised Mr. Naemura that Phil Grillo, a land use attorney,
33 had developed a similar section with regard to collocation, for the City
34 of Tigard. She pointed out that staff had incorporated several policy
35 ideas for collocation from the City of Tigard's regulations because they
36 had been specifically designed to encourage, rather than require, collo-
37 cation. Observing that this essentially involves a proprietary agree-
38 ment between two private business, she emphasized that it is neces-
39 sary to create the incentives, rather than requirements, for collocation.

40
41 Referring to page 88 of 93 of the proposed text, Section 60.70.50.5, with
42 regard to applicant obligation to collocate, Mr. Naemura noted that
43 several of the factors demonstrating that a collocation opportunity does
44 not exist appear to be in conflict with one another.

1 Ms. Bookin advised Mr. Naemura that any one of these five factors
2 could demonstrate that a collocation opportunity does not exist,
3 emphasizing that it is not necessary to fulfill all five factors.
4

5 Mr. Snyder emphasized that that this language has been proposed in
6 an effort to assist the applicable decision-making authority in their
7 efforts to make an appropriate finding under these standards with
8 regard to the applicant's attempt at collocation as well as other issues.
9

10 Commissioner Johansen expressed his opinion that it is important to
11 consider what is occurring within other jurisdictions.
12

13 Mr. Snyder informed Commissioner Johansen that because they have
14 an existing ordinance with regard to wireless communications facili-
15 ties, staff had considered regulations within the City of Tigard. He
16 pointed out that the City of Hillsboro currently operates under very
17 limited regulations, adding that they are actually reviewing the City of
18 Beaverton's proposed ordinance at this time as a possible model for the
19 development of their own standards. Observing that Washington
20 County has to address both rural and urban issues, he noted that they
21 have indicated that they intend to initiate efforts to update their ordin-
22 ance with regard to this issue in January of 2003. He cautioned that
23 future regulations imposed by Washington County could potentially
24 create some conflict with those proposed by the City of Beaverton.
25

26 Referring to Policy Issue No. 7, which addresses the applicability of
27 proposed regulations and standards of Section 60.70 to satellite earth
28 stations used for television broadcast purposes (local or cable
29 television), Commissioner Johansen questioned whether it might be
30 advisable to be considering the mobile facilities that show up at major
31 events and attractions.
32

33 Emphasizing that these mobile facilities show up at major events and
34 attractions on an episodic basis, Ms. Bookin pointed out that she is not
35 even certain whether these vehicles are actually governed through
36 land use actions, adding that she would be inclined to defer to a legal
37 opinion with regard to this issue.
38

39 Commissioner Johansen questioned whether this proposal had been
40 introduced at a CCI Meeting.
41

42 Mr. Snyder informed Commissioner Johansen that the appropriate
43 information had been provided to CCI, adding that he had also been
44 corresponding with Catherine Arnold, who had submitted information

1 this evening, with regard to this issue. He explained that staff has not
2 been requested to appear before CCI at this point, noting that such a
3 request would be considered and scheduled by Mr. Sparks or Joe
4 Grillo, the Community Development Director.

5
6 Commissioner Johansen commended Mr. Snyder for a detailed Staff
7 Report and great presentation.

8
9 Commissioner Winter referred to pages 83 and 84 of 93 of the proposed
10 text, Section 60.70.35.17, with regard to specific development stan-
11 dards in multiple-use zoning districts, specifically a WCF structure.
12 Observing that he recognizes that security issues are involved, he
13 requested clarification of the reference to property perimeter structural
14 bearing walls having a minimum height of ten feet.

15
16 Mr. Snyder advised Commissioner Winter that the intent of the
17 multiple-use zoning district is to create higher urban design and
18 pedestrian orientation, beyond the standards found elsewhere in the
19 community. He pointed out that this has been identified in both the
20 Comprehensive Plan and the Development Code, noting that as one
21 example, this might provide for appropriate screening surrounding a
22 utility substation. He explained that with regard to higher design
23 consideration, in order to provide more specialized treatment in certain
24 areas, more stringent design standards might exist closer to the street.

25
26 Ms. Bookin cautioned that any standards that prove excessively costly
27 might not create an appropriate incentive to locate these facilities
28 within the City of Beaverton, particularly with regard to collocation.

29
30 Commissioner Winter referred to a potential future proliferation of
31 wireless cellular towers, requesting clarification of whether clustering
32 is both available and feasible as a technological option.

33
34 Ms. Bookin informed Commissioner Winter that as long as the
35 antennas are at different frequencies so as not to interfere, clustering
36 of these wireless cellular towers is technologically feasible.

37
38 Mr. Snyder pointed out that Commissioner Winter's question with
39 regard to clustering actually involves two policy issues, with regard to
40 both maximum height standards and the proposed minimum distance
41 separation requirements, creating the potential to preclude the
42 clustering option, which he referred to as "cell farms".

43

1 Commissioner Winter complimented Mr. Snyder for preparing a great
2 Staff Report.

3
4 Commissioner Barnard mentioned that he would also like to address
5 on some level the antennas that are attached to buildings, adding that
6 the Board of Design Review would most likely review this. He pointed
7 out that he has observed many buildings throughout the City of
8 Portland that have clusters of antennas that resemble rat's nests.
9 Referring to the poor traffic system within the City of Beaverton, he
10 questioned whether it might be advantageous for the City to actually
11 plan for and site these towers.

12
13 Mr. Snyder commented his research had identified communities on the
14 East Coast that have engaged what is referred to as a Wireless
15 Telecommunications Facilities Master Planning Process, adding that
16 this type of effort identifies the preferred sites for these facilities. He
17 noted that it is the responsibility of any provider or applicant to
18 demonstrate why these sites are not appropriate for their use.

19
20 Commissioner Barnard commented that at one point in time it had
21 been determined that there were not very many automobiles.

22
23 9:30 p.m. -- 9:36 p.m. – recess.

24
25 Chairman Voytilla observed that public testimony from each
26 individual would be limited to four minutes.

27
28 **PUBLIC TESTIMONY:**

29
30 **PHILIP KANE** described himself as a retired Communications
31 Engineer and Communications Attorney, pointing out that while they
32 appear to be the darling of the planning community, the stealth
33 antennas are unfortunately far less efficient than others with a much
34 greater than anticipated failure rate. Expressing his approval of
35 screening with trees, he noted that this offers a very effective method
36 of screening such a facility. Referring to the option of a master plan
37 with regard to these facilities, he noted that very few consultants are
38 qualified to provide adequate services for a project of this nature. He
39 mentioned that he is also aware of the cost involved in this proposal,
40 adding that he does not wish to see his tax dollars utilized for a high-
41 priced consultant to provide services that the carrier should be provid-
42 ing. He pointed out that the FCC provides a very special requirement
43 with regard to reasonable accommodation for the regulation of
44 amateurs. He noted that a State statute establishes, in essence, a

1 minimum height limitation of 70 feet, regardless of any local zoning.
2 Concluding, he pointed out that he is in contact with Mr. Snyder,
3 offered his services as an unpaid expert to address problems he has
4 discovered in the proposed text, and offered to respond to questions.
5

6 **TY WYMAN** submitted a letter on behalf of *Sprint*, adding that while
7 he does not intend to reiterate what is included in the letter, he would
8 like to discuss the process. Observing that he was encouraged to hear
9 staff's recommendation for a continuance, he pointed out that it is not
10 necessary to hurry, and requested that staff arrange to meet with the
11 different carriers in an effort to prepare an ordinance that hones down
12 a number of these issues.
13

14 Mr. Sparks emphasized that while staff is more than willing to discuss
15 these issues with the different carries, he would like to take this
16 opportunity to caution Mr. Wyman that although it is hopeful that
17 staff and the carriers would agree, it is necessary to be aware that
18 there may be areas of disagreement. He mentioned that staff would
19 like to hear different ideas with regard to these issues in an effort to
20 narrow down the current list of policy issues.
21

22 Mr. Wyman assured Mr. Sparks that he is aware that there could be
23 areas in which staff disagrees with the carriers.
24

25 **RICHARD GLICK**, representing *Davis, Wright, Tremaine Law Firm*,
26 on behalf of *Meredith Corporation*, the owner of *KPTX, Fox 49* and
27 *KPTV Channel 12*, expressed his appreciation of staff's response to
28 comments raised within the written record, adding that they had
29 honed in on the issues appropriately. He mentioned that while the
30 ambiguity had been addressed, the bad news is that it does apply to his
31 television broadcasting and therefore his client. He expressed his
32 opinion that this probably should not apply to television broadcasting
33 for a number of reasons that was stated in his written comments. He
34 pointed out that his client's main concern is with their facility on NW
35 Greenbriar Way, noting that this relatively new facility, which is a
36 major investment, consolidates both *KPTX* and *KPTV*. Observing that
37 *KPTV* has been recently relocated from Portland, he noted that they
38 would be extremely disappointed to discover that this was a poor
39 decision on their part due to excessive costs related to potential
40 restrictions. He emphasized that a fairness issue would be involved in
41 subjecting that facility to possible new development standards at this
42 point in time. Concluding, he discussed staff's response to certain key
43 policy issues addressed by his client, adding that he intends to follow
44 up with written comments, and offered to respond to questions.

1 **KEVIN MARTIN** consultant for *AT&T Wireless*, mentioned that he
2 had submitted a document including extensive comments, including
3 language suggestions. Expressing his opinion that this draft basically
4 pushed the limits a little too far to the extent that it fell off the table,
5 he pointed out that he had proposed a number of changes. Noting that
6 his greatest concerns were with stealthing issues and non-conforming
7 uses, he emphasized that while every attempt is made to hide these
8 antennas whenever possible, it is impossible to completely hide these
9 facilities. Pointing out that his greatest concern with non-conforming
10 uses, he noted that simply changing a transmitter on an antenna site
11 automatically results in a non-conforming site. He explained that it is
12 also difficult to determine with any certainty what is actually non-
13 conforming, and explained that one of the greatest problems is
14 assuring adequate coverage throughout all of the hills and dips within
15 the City of Beaverton. Concluding, he offered to respond to questions.

16
17 Commissioner Barnard requested clarification of Mr. Martin's concerns
18 with potential non-conformance.

19
20 Mr. Martin emphasized that the draft text clearly indicates that any
21 removal and replacement of a transmitter or an antenna becomes a
22 non-conforming use. He pointed out that this could mean that simply
23 changing an antenna could cost an additional \$50,000 or more for the
24 installation of a new pole.

25
26 Chairman Voytilla questioned whether Mr. Martin has had greater
27 success with the stealth technology versus other technology that is
28 available.

29
30 Mr. Martin stated that he is not aware of any problem with regard to
31 the reliability of the stealth systems, adding that there are definitely
32 limitations to certain stealth antennas. He explained that these
33 antennas have a tendency to be smaller in stature, which means they
34 are able to handle less power, which limits the number of channels
35 that can be installed. He mentioned that the range is smaller, adding
36 that because they are less effective, additional sites might be required
37 in the future to make up for these shortcomings.

38
39 Chairman Voytilla questioned what Mr. Martin's opinion is with
40 regard to the proposed requirement for screening with trees.

41
42 Mr. Martin advised Chairman Voytilla that one of the first criteria he
43 looks for with regard to a potential site is some property with some
44 screening. He explained that trees that are too tall are going to

1 eventually cover the tower, thereby reducing the effective range of the
2 signals by up to 30% to 50%. He pointed out that no carrier wants to
3 collocate on a tower where the antennas would be shooting right into
4 the vegetation, emphasizing that this decimates the signal. Noting
5 that pine needles four inches long basically act like little antennas and
6 absorb all of the energy, he stated that the tower must be elevated suf-
7 ficiently to make certain that there is no interference from the trees.

8

9 Commissioner Barnard requested clarification of an ideal height for a
10 tower, specifically for collocation purposes.

11

12 Emphasizing that this largely depends upon the location, Mr. Martin
13 noted that some towers would be effective at a height of only 40-feet.
14 He pointed out that for collocation purposes, it is necessary to provide
15 a slightly taller tower to compensate, adding that the lower the tower,
16 the less likely the opportunity for collocation. Expressing his opinion
17 that 100 feet is a reasonable height, he noted that there is
18 substantially no difference between the diameter of the base of an 80-
19 foot pole and a 100-foot pole, adding that it would not be noticeable.
20 He explained that while the diameter would not be an issue, a 150-foot
21 pole would be visible for a greater distance.

22

23 Commissioner Barnard questioned whether there are complaints with
24 regard to the heights of the poles.

25

26 Mr. Martin advised Commissioner Barnard that complaints are only
27 received during the permitting process, emphasizing that once the
28 poles are installed, they are a reality.

29

30 Commissioner Barnard pointed out that the greater the height of the
31 pole, the less likely they are to interfere with other facilities and uses.

32

33 On question, no other member of the public expressed a desire to
34 testify with regard to this proposal.

35

36 Mr. Snyder suggested that the Public Hearing be continued to Novem-
37 ber 6, 2002, rather than October 9, 2002, in order to provide an oppor-
38 tunity for staff to meet with the providers. He emphasized that the
39 new Development Code would become effective September 19, 2002.

40

41 Commissioner Barnard **MOVED** and Commissioner Pogue
42 **SECONDED** a motion to continue TA 2002-0001 – Chapter 60
43 (Special Requirements), Chapter 20 (Land Uses), Chapter 40 (Permits

1 and Applications), and Chapter 90 (Definitions) to a date certain of
2 November 6, 2002.

3

4 Motion **CARRIED**, unanimously.

5

6 **APPROVAL OF MINUTES:**

7

8 Minutes of the meeting of August 21, 2002, submitted. Commissioner
9 Johansen **MOVED** and Commissioner Barnard **SECONDED** a motion
10 that the minutes be approved as written.

11

12 Motion **CARRIED**, unanimously, with the exception of Commissioner
13 Pogue, who abstained from voting on this issue.

14

15 **MISCELLANEOUS BUSINESS:**

16

17 The meeting adjourned at 10:08 p.m.